



State of West Virginia Office of Technology

Policy: [Acceptable Use of State-Provided Instant Messaging](#)

Issued by the CTO

Procedure No: WVOT-P01010

Issue Date: 11/24/2009

Revised:

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1.0 PURPOSE

This policy details the standards relating to the use of the State-provided [instant messaging](#) (IM) system within the [West Virginia Office of Technology](#) (WVOT) and is intended to:

- Describe the limitations of the use of this technology;
- Discuss protection of State information;
- Describe privacy considerations when using the IM system; and
- Outline the applicable rules applied when using the State-provided system.

This document is not all-inclusive and the WVOT has the authority and discretion to appropriately address any unacceptable behavior and/or practice not specifically mentioned herein.

2.0 SCOPE

This policy applies to all [employees](#) within the Executive Branch using the State-provided IM system created and transmitted via the WVOT's network.

3.0 RELEVANT DOCUMENTS/MATERIAL

- 3.1 [West Virginia Office of Technology \(WVOT\) Home Page](#)
- 3.2 [WVOT-PO1001](#) – WVOT *Information Security Policy*
- 3.3 [West Virginia Code](#) – “Duties of the Chief Technology Officer Relating to Security of Government Information”
- 3.4 [West Virginia Code §5A-8-1](#)- “Public Records Management and Preservation Act”

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3.5 [Health Information Portability and Accountability Act](#) (HIPAA) Rule

4.0 POLICY

- 4.1 All employees must use the State-provided IM. Employees are prohibited from downloading and using personal, consumer-grade IM software (e.g. AOL Instant Messenger, Yahoo) to transmit messages.
 - 4.2 The State reserves the right to monitor and/or keep a record of all IM communications without prior notice. **Employees should have no expectation of privacy in the use of State-provided IM systems.**
 - 4.3 Employees may not use IM to transmit confidential, proprietary, personal, or potentially embarrassing information about the State, its employees, clients, business associates, the media, or other third parties.
 - 4.4 Employees may not use IM to transmit personal information related to an individual's health status, including any information protected under the [Health Insurance Portability and Accountability Act](#) (HIPAA) or other applicable privacy statutes.
 - 4.5 The contents of instant messages properly obtained for discovery or management purposes may be disclosed without the permission of the authorized user who created the message.
 - 4.6 The State is under no obligation to retain IM. However, all IM communication should be treated as [business records](#) that may be retained and used as evidence in litigation, audits, and investigations. IM content may be subject to various types of access requests, including under the [Freedom of Information Act](#) (FOIA).
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5.0 STANDARD PRACTICES

- 5.1 State-provided IM is appropriate for informal business use only. Examples of this include, but may not be limited to the following:
 - 5.1.1 When “real time” questions, interactions, and clarification is needed;
 - 5.1.2 For immediate response;
 - 5.1.3 For brainstorming sessions among groups;
 - 5.1.4 To reduce chances of misunderstanding;
 - 5.1.5 To reduce the need for telephone and email tag.
- 5.2 Only minimal personal use (non-State business activity) of State-provided IT resources is permitted, and should not interfere with the legitimate business of the State. (See WVOT – *State of West Virginia Information Security Policy, Appendix A*)
- 5.3 All employees must adhere to rules regarding unacceptable uses of IT resources. Examples of unacceptable uses include, but are not limited to the following (For more examples, see Appendix A of WVOT-PO1001):
 - 5.3.1 Any use which violates local, state, or federal laws;
 - 5.3.2 Any use for viewing, transmitting, receiving, saving, or printing sexually explicit material;
 - 5.3.3 Any use for promoting harassment or illegal discrimination on the basis of race, gender, national origin, age, marital status, religion, or disability;
 - 5.3.4 Any use for dispersing data to customers or clients without authorization;

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- 5.3.5 Any use that could be reasonably considered as disruptive to another's work;
 - 5.3.6 Sending or sharing of confidential information for unauthorized purposes;
 - 5.3.7 Sending communications, such as large files, which place an undue strain on the State network or other systems;
 - 5.3.8 Any attachment or use of devices on the State network that are not owned by the State or authorized by the WVOT;
 - 5.4 Employees may not send jokes, rumors, gossip, or unsubstantiated opinions via IM. These communications, which often contain objectionable material, are easily misconstrued when communicated electronically.
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6.0 ENFORCEMENT

Any employee found to have violated this policy may be subject to disciplinary action up to and including dismissal. Disciplinary action will be administered by the employing agency and may be based on recommendations of the WVOT and the [West Virginia Division of Personnel](#).

7.0 LEGAL AUTHORITY

Under the provisions of West Virginia Code §5A-6-4a *et seq.*, the [Chief Technology Officer](#) (CTO) is charged with securing State government information and the data communications infrastructure from unauthorized uses, intrusions, or other security threats. The CTO is granted both the authority and the responsibility to develop information technology policy, promulgate that policy, audit for policy compliance, and require corrective action where compliance is found to be unsatisfactory or absent.

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This policy is one in a series of Information Technology (IT) related policies intended to define and enable the incorporation of appropriate practices into all activities using State-provided technology in the State of West Virginia.

To the extent that there are policies in place which provide less security than this policy, they will be superseded by this policy. In instances where existing state and federal laws and regulations are more restrictive than Information Security policies issued by the WVOT the more restrictive provisions will prevail.

8.0 DEFINITIONS

- 8.1 Business Records - A document that is used to store information from business operations. Types of operations having business records include meetings and contracts, as well as transactions such as purchases, bills of lading and invoices. Business records can be stored as reference material and reviewed later
- 8.2 Chief Technology Officer (CTO) – The person responsible for the State’s information resources.
- 8.3 Employee – Individuals retained and authorized on a temporary or permanent basis by the State of West Virginia to perform a service. For the purposes of Information Technology and Security policy, the term “employee” shall include the following: contractors, subcontractors, contractors’ employees, volunteers, county health department staff, business associates, and any other persons who are determined and notified by the WVOT to be subject to this policy. This definition does not create any additional rights or duties.
- 8.3 Freedom of Information Act (FOIA) - A federal law that mandates that all the records created and kept by federal agencies in the Executive Branch of government must be open for public inspection and copying. The only exceptions are those records that fall into one of nine exempted categories listed in the statute.

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- 8.4 Health Insurance Portability and Accountability Act (HIPAA) – A US law designed to provide privacy standards to protect patients' medical records and other health information provided to health plans, doctors, hospitals and other health care providers. Developed by the Department of Health and Human Services, these standards provide patients with access to their medical records and more control over how their personal health information is used and disclosed.
- 8.5 Instant Messaging (IM) – The technology that allows a user to send electronic messages to one or more persons with minimal delay between the sending and receipt of a message. Like conversation, IM is a simultaneous give-and-take, but it occurs in written form. In contrast to e-mail, which remains unread in a recipient's in-box until opened; instant messaging notifies users when other users are online and able to accept messages.
- 8.6 West Virginia Division of Personnel – A division of the Department of Administration established by West Virginia Code § 29-6-1 *et seq.*, which is responsible for the system of human resource management for operating agencies in the classified and classified-exempt service of West Virginia State government.
- 8.7 West Virginia Office of Technology (WVOT) - The division of the Department of Administration established by WV Code § 5A-6-4a, *et. seq.*, which is led by the State's CTO and designated to acquire, operate, and maintain the State's technology infrastructure. The WVOT is responsible for evaluating equipment and services, and reviewing information technology contracts.
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